

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EVDOKIA NIKOLOVA,
Plaintiff,

v.

UNIVERSITY OF TEXAS AT AUSTIN,
Defendant.

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Civil Action No.: 1:19-CV-00877

DEFENDANT’S PROPOSED VOIR DIRE

TO THE HONORABLE JUDGE PITMAN:

In compliance with Rule CV-16(f) of the Court’s Local Rules, Defendant The University of Texas at Austin (“UT Austin”) offers the following “list of questions [UT Austin] desires the court to ask prospective jurors.” *See* LR CV-16(f)(1) (W.D. Tex.).

1. Do any of you work for, or have a family member who works for, UT Austin?
2. Do any of you work for, or have a family member who works for, any university?
3. Does anyone here currently attend, or did you recently attend, UT Austin? Without getting into personal experiences, did any of you have a negative experience?
4. Does anyone here have a close family member or friend who currently attends or recently attended UT Austin? Without getting into their personal experiences, do you have a strong negative feeling about UT Austin based on their experiences?
5. Do any of you work as a professor at a university, or have a family member who works as a university professor? Keep your hand raised if you or they have gone through the tenure process. Keep your hand raised if you would characterize that experience as negative based on your own experience or what you heard about your family member’s experience.
6. Have any of you ever felt that you were discriminated against by your employer based on gender? Based on pregnancy? Any other characteristic?
7. Have any of you made a complaint of discrimination against an employer?
8. Have any of you ever been a plaintiff or defendant in a civil lawsuit?

9. Have you ever felt that an employer retaliated against you for making a complaint about discrimination?
10. Have you ever felt that you were denied a promotion or were underpaid because of discrimination or retaliation?
11. Do any of you believe that Dr. Nikolova is entitled to recover something by virtue of the fact that she filed this lawsuit?
12. How many of you believe that employers usually treat their employees unfairly?
13. How many of you believe that public universities usually treat their employees unfairly?
14. In this lawsuit, the burden is primarily going to be on Dr. Nikolova, the plaintiff, to prove that UT Austin retaliated and discriminated against her. Is there anyone who believes that the burden should be on UT Austin, the employer, to prove that it did not retaliate or discriminate against her?
15. Has anyone taken paternity or maternity leave and felt that their career trajectory was negatively impacted by taking that leave? Keep your hand raised if you believe taking paternity or maternity leave negatively impacted your career on more than just a temporary basis. Keep your hand raised if you hold your employer responsible for the impact of having taken leave.
16. How many of you hold a strong opinion about tenure?
17. Do any of you believe that if an untenured professor is good enough to be hired by a university, that university has an obligation to eventually grant them tenure?

If the Court denies Defendant's proposed motion in limine number #2 (excluding reference to defense counsel's employment at the OAG):

18. Mr. Dower and Ms. Hilton work in the General Litigation Division of the Office of Attorney General. The Attorney General's office plays a big role in child support. Understanding that neither Mr. Dower nor Ms. Hilton—nor this case—has anything to do with child support proceedings, has anyone here interacted with the Attorney General's office with respect to child support? Was that a positive or negative interaction?
19. Does anyone have a particularly strong feeling about Attorney General Paxton—either positive or negative?

Respectfully submitted,

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

GRANT DORFMAN

Deputy First Assistant Attorney General

SHAWN COWLES

Deputy Attorney General for Civil Litigation

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/s/ Benjamin L. Dower

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COUNSEL FOR UT AUSTIN

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2022, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Benjamin L. Dower

BENJAMIN L. DOWER

Deputy Chief for General Litigation Division